

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

\_\_\_\_\_  
\_\_\_\_\_  
Artis C. Carroll, Jr.

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Upper Darby Township, et al.

Upper Darby Police Department;

Luke McCann; John Doe No. 1; John Doe No. 2; John Doe No. 3;

John Doe No. 4; John Doe No. 5; and Timothy M. Bernhardt;

all in their individual and official capacities.

**COMPLAINT**

Jury Trial: ☒ Yes ☐ No

(check one)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)*

**I. Parties in this complaint:**

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	Artis C. Carroll, Jr.
	Street Address	_____
	County, City	_____
	State & Zip Code	_____
	Telephone Number	_____
	Email	acc.777@aol.com

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Upper Darby Township  
 Street Address 100 Garrett Road  
 County, City Delaware, Upper Darby  
 State & Zip Code Pennsylvania, 19082

Defendant No. 2 Name Luke McCann  
 Street Address 7236 West Chester Pike  
 County, City Delaware, Upper Darby  
 State & Zip Code Pennsylvania, 19082

Defendant No. 3 Name John Doe No. 1 - 5  
 Street Address 7236 West Chester Pike  
 County, City Delaware, Upper Darby  
 State & Zip Code Pennsylvania, 19082

Defendant No. 4 Name Timothy M. Bernhardt  
 Street Address 7236 West Chester Pike  
 County, City Delaware, Upper Darby  
 State & Zip Code Pennsylvania, 19082

## II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (*check all that apply*)  
☒ Federal Questions ☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? U.S. Constitution First, Fourth, Fifth, and Fourteenth Amendment rights; Civil Rights 28 U.S.C. § 1343 (1),(2),(3) and (4); Civil Action for Deprivation of Rights 42 U.S.C. § 1983; Conspiracy To Interfere With Civil Rights 42 U.S.C. § 1985(2) and (3); Supplemental Jurisdiction 28 U.S.C. §1367; False Arrest; False Imprisonment; Abuse of Process; Malicious Prosecution; Excessive Force; Assault and Battery; Intentional Infliction of Emotional Distress; Negligent Infliction

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? N/A

Plaintiff(s) state(s) of citizenship Plaintiff is citizen of the United States and the state of Pennsylvania.

Defendant(s) state(s) of citizenship Defendants are citizen of the United States and the state of Pennsylvania.

**III. Statement of Claim:**

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? 6310 Market Street, Upper Darby, PA 19082;  
7236 West Chester Pike, Upper Darby, PA 19082; and 100 Garrett Road, Upper Darby, PA 19082

B. What date and approximate time did the events giving rise to your claim(s) occur? Thursday, November 4, 2021;  
and on or about Thursday August 24, 2023

C. Facts: On Thursday November 4, 2021, Defendants LUKE MCCANN AND JOHN DOES No. 1-5,  
all Police Officers of the Upper Darby Township Police Department, arrived at the Life Center located  
at 6310 Market Street, Upper Darby, PA at around 1:35 pm for unknown reasons.

At around 2:00 pm they surrounded me in a corner with my back against the wall giving me,  
which made me feel that I was not free to leave. They had no reasonable suspicion and or probable cause to  
to temporarily detain and or arrest me at this point in time. Officer MCCANN then asked me a few questions  
without first providing me my miranda warnings or advising me my right to counsel. At about 2:05 pm he  
placed me in his handcuffs and eventually charged me with one count of Indecent Exposure 18 § 3127 (a),  
graded (M2); Open Lewdness 18 § 5901, graded (M3); Harassment 18 § 2709 (a) (1), graded Summary  
Offense; and Disorderly Conduct 18 § 5503 (a)(4), graded Summary Offense. However, at the Preliminary  
Hearing on November 15, 2021, he told the District Attorney to change the subsection of the Harassment charge  
from (a)(1) to (a)(3), same grade. MCCANN had no probable cause to arrest or charge me on said charges.  
He arrested me and charged me with said charges for reasons other than to bring me to justice. For example,  
among other impermissible reasons, he arrested and charged me with those crimes to prevent me from executing  
an appeal in a civil case I pending against the state. I was released on bail December 1, 2021.

On or about August 24, 2023, the Delaware County District Attorney Nolle Prosequi the said  
all of the said charges because of insufficient evidence.

MCCANN and DOES 1-5 all knew that they had no reasonable suspicion and or probable cause to arrest and charge me with the said crimes. They all knew that I was being arrested and charged with the said crimes for reasons other than to bring me to justice. They all conspired and agreed to participate in the deprivation of my said rights while acting under the color of law.

Defendant TIMOTHY BRENHARDT is the Upper Darby Township Chief of Police. Defendant UPPER DARBY TOWNSHIP is a local government of the state of Pennsylvania. Defendant UPPER DARBY TOWNSHIP POLICE DEPARTMENT is the police department for Upper Darby Township. They all created and or maintained a policy, custom and or practice, including the failure to train, discipline and supervise, which facilitated the violation of my said rights.

---

**IV. Injuries:**

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. False Arrest; False Imprisonment; Emotional Distress; Mental Anguish; Lost Freedom of Movement; Unable to pursue pending civil appeal against the state

---

---

---

---

---

---

---

---

---

---

**V. Relief:**

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

Reward plaintiff \$ 4 Million Dollars in Damages and grant any and all other appropriate relief

---

---

---

---

---

---

---

---

---

---

---

---

---


---

---

---

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6th day of November, 2023.

Signature of Plaintiff   
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Fax Number (if you have one) \_\_\_\_\_  
E-mail Address acc.777@aol.com

~~Note. All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.~~

For Prisoners:

~~I declare under penalty of perjury that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.~~

~~Signature of Plaintiff: \_\_\_\_\_  
Inmate Number: \_\_\_\_\_~~